

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JOEL M. CRAM, and  
MINH D. NGUYEN, et al.,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS  
CORPORATION aka EDS, DOES 1-10,

Defendants.

Case No. 07cv1842 LAB (NLS)

**ORDER OF PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT**

The Court, having fully reviewed the Motion and the supporting Points and Authorities, the Stipulation of Settlement and General Release ("Stipulation of Settlement"), and Exhibits in support thereof, and the proposed Notice of Pendency of Class Action and Proposed Settlement, and in recognition of the Court's duty to make a preliminary determination as to the reasonableness of any proposed class action settlement, and if preliminarily determined to be reasonable, to provide notice to Class Members in accordance with due process requirements, and to schedule a formal Final Approval Hearing ("Fairness Hearing") to determine the good faith, fairness, adequacy, and reasonableness of any proposed settlement;

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1 THE COURT HEREBY MAKES THE FOLLOWING DETERMINATIONS AND  
2 ORDERS:

3 The Court finds on a preliminary basis that the Stipulation of Settlement filed and  
4 incorporated herein by this reference and made a part of this Order of Preliminary Approval, appears  
5 to be within the range of reasonableness of a settlement which could ultimately be given final  
6 approval by this Court; it further appears to the Court on a preliminary basis, that the settlement  
7 amount is fair and reasonable to Class Members when balanced against the probable outcome of  
8 further litigation relating to liability and damages issues and potential appeals of rulings; it further  
9 appears that significant discovery, investigation, research, and litigation has been conducted such that  
10 counsel for the parties at this time are able to reasonably evaluate their respective positions; it further  
11 appears that settlement at this time will avoid substantial costs, delay and risks that would be  
12 presented by the further prosecution of the litigation; it further appears that the proposed Settlement  
13 has been reached as the result of intensive, serious and non-collusive negotiations between the  
14 parties;

15 ACCORDINGLY, GOOD CAUSE APPEARING, THE MOTION FOR ORDER OF  
16 PRELIMINARY APPROVAL OF SETTLEMENT IS HEREBY GRANTED; THE CLASS  
17 IS CONDITIONALLY CERTIFIED FOR SETTLEMENT PURPOSES ONLY; THE LAW  
18 OFFICES OF DAVID J. GALLO IS APPOINTED AS CLASS COUNSEL; AND JOEL M.  
19 CRAM AND MINH D. NGUYEN ARE APPOINTED AS CLASS REPRESENTATIVES;

20 1. Consistent with the definitions provided in the Stipulation of Settlement, the terms  
21 "Class" and "Class Members" include all persons currently or formerly employed within the State  
22 of California by EDS who between August 21, 2003 and May 29, 2008 (the "Class Period"), met  
23 all of the following criteria:

- 24 a. were employed by EDS in California in one or more of the five specifically  
25 designated job codes of (1) Systems Administrator (34060), (2) Systems  
26 Administrator Advanced (34070), (3) Information Security Analyst (33700), (4)  
27 Information Security Analyst Advanced (33710), or (5) Information Security  
28 Analyst Senior (33720); and



1 ACCORDINGLY, IT IS HEREBY ORDERED THAT THE PROCEDURES SET FORTH  
 2 IN THE STIPULATION AND THE FOLLOWING SCHEDULE BE ESTABLISHED AND  
 3 FOLLOWED, UNLESS MODIFIED BY THE COURT:

4 Event	5 Timing
6 Defendant transmits funds for estimated claims administration costs to Claims Administrator.	5 business days after Preliminary Approval
7 Defendant provides list of Class Members to Plaintiff's counsel and the Claims Administrator.	45 days after Preliminary Approval
8 Claims Administrator mails Class Notice and Claim Form to Class Members.	60 days after Preliminary Approval
10 Deadline to file claims when Notice Packets are not returned by Post Office, Opt-Out or Object.	45 days after mailing by Claims Administrator
11 Plaintiffs file Motion for Final Approval.	16 Court days before Fairness Hearing
13 Claims Administrator provides declaration of Mailing Class Notice and Claim Form.	14 days before Fairness Hearing
14 Fairness Hearing.	Approximately 120 days after Preliminary Approval
16 Defendant transmits amounts due to Class Members, Plaintiffs, and for attorneys' fees and costs to Claims Administrator.	10 business days after Effective Date
18 Claims Administrator provides checks to Claimants, Plaintiff and Class Counsel.	15 business days after Effective Date
19 Claims Administrator file a declaration of mailing checks to Claimants.	45 business days after Effective Date

20 IT IS FURTHER ORDERED that any party to this case, including Class Members, may  
 21 appear at the Fairness Hearing in person or by counsel, and may be heard to the extent allowed  
 22 by the Court, in support of, or in opposition to, the Court's determination of the good faith,  
 23 fairness, reasonableness and adequacy of the proposed Settlement, the requested attorneys' fees and  
 24 litigation expenses, the request for a class representative enhancement awards for Plaintiffs Cram and  
 25 Nguyen, and any Order of Final Approval and Judgment regarding such Settlement, fees and  
 26 expenses; provided, however, that no person, except Class Counsel and counsel for Defendant,  
 27 shall be heard in opposition to such matters unless such person has complied with the filing and  
 28

1 service conditions set forth in the Notice of Pendency of Class Action and Proposed Settlement,  
2 which conditions are incorporated herein;

3 IT IS FURTHER ORDERED that all briefs supporting or opposing the settlement shall be  
4 served and filed in accordance with the above schedule;

5 IT IS FURTHER ORDERED that, if for any reason the Court does not grant and file an  
6 Order of Dismissal with Prejudice, or if the "Effective Date" of settlement, as defined in the  
7 Stipulation of Settlement, does not occur for any reason whatsoever, the proposed Stipulation of  
8 Settlement, and all evidence and proceedings had in connection therewith, shall be without prejudice  
9 to the status quo ante rights of the parties to the litigation as more specifically set forth in the  
10 Stipulation of Settlement; this Order conditionally certifying the class for settlement purposes,  
11 appointing Class Counsel and a Class Representative shall be vacated; the Parties shall return to their  
12 respective positions in this lawsuit as those positions existed immediately before the Parties executed  
13 the Stipulation of Settlement; and nothing stated in the Stipulation of Settlement Agreement, the  
14 Motion, this Order, or in any exhibits to the foregoing documents shall be deemed an admission of  
15 any kind by any of the Parties or used as evidence against, or over the objection of, any of the Parties  
16 for any purpose in this action or in any other action.

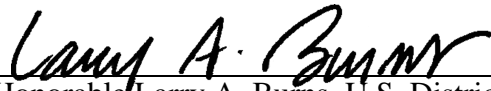
17 IT IS FURTHER ORDERED that, pending further order of this Court, all proceedings in this  
18 matter except those contemplated herein and in the Stipulation of Settlement are stayed. The  
19 Court expressly reserves the right to adjourn or continue the Fairness Hearing from time to time  
20 without further notice to Class Members.

21 IT IS FURTHER ORDERED that, to facilitate administration of this Settlement, the  
22 Court hereby enjoins Plaintiffs and all Class Members from filing or prosecuting any claims,  
23 cases, suits or administrative proceedings (including filing or pursuing claims with the California  
24 Labor Commissioner or the California Division of Labor Standards Enforcement) regarding  
25 claims released by the Settlement unless and until such Class Members have filed valid written  
26 requests for exclusion with the Claims Administrator and the time for filing claims with the  
27 Claims Administrator has elapsed.

1 IT IS FURTHER ORDERED that the Fairness Hearing shall be held before the  
2 undersigned at 11:45 a.m. on December 1, 2008 at the United States District Court, Southern  
3 District of California, located at 800 Front Street, San Diego, California to consider the fairness,  
4 adequacy, and reasonableness of the proposed Settlement, preliminarily approved by this Order of  
5 Preliminary Approval, and to consider the application of Class Counsel, the Law Offices of David  
6 J. Gallo, for an award of reasonable attorneys' fees, costs, and expenses incurred, and the request  
7 for a class representative enhancement for Plaintiff Joel M. Cram, and Minh D. Nguyen.

8 IT IS SO ORDERED.

9 DATED: August 19, 2008

  
Honorable Larry A. Burns, U.S. District Judge